

WP3. D3.1. Characterisation of the forest-related policy framework

European Forest Related Policies – A cross-sectoral review

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LIST OF ABBREVIATIONS

CAP - Common Agricultural Policy **CBD** - Convention on Biological Diversity CITES- international treaty to protect wildlife against over-exploitation **CLLD - Community-Led Local Development CSF** - Common Strategic Framework **DCI - Development Cooperation Instrument** EAFRD - European Agricultural Fund for Rural Development EAP - Seventh Environment Action Programme EDF- European Development Fund **ERANET - Sustainable Forest Management and Multifunctional Forestry ERDF** - European Regional Development Fund **ESF** - European Social Fund EU - European Union EU ETS - EU Emissions Trading System **EU FAP- Forest Action Plan EUTR- EU Timber Regulation** EUTS - EU emissions trading system FAP - Forest Action Plan FLEGT - EU Action Plan for Forest Law Enforcement, Governance and Trade **FP 7- Seventh Framework Programme** FSC - Forest Stewardship Council FTP- Forest-based Sector Technology Platform INTERREG - Initiative that aims to stimulate cooperation between regions in the EU **ITI - Integrated Territorial Investments** ITTA- international treaty to ensure that exports of tropical timber originates from sustainably managed sources LBA -Legally Binding Agreement for forests in Europe LEADER - Links between the rural economy and development actions LIFE - EU funding instrument for the environment LIFE+ - Fourth phase of the LIFE programme LULUCF - Land Use, Land Use Change and Forestry Natura 2000 - Network of nature protection areas in the territory of the European Union NGO- Non Governmental Agency NLBI - Non-Legally Binding Instrument on All Types of Forests PEBLDS- pan-European Biological and Landscape Diversity Strategy PEFC - Programme for the Endorsement of Forest Certification schemes RAMSAR - Convention concerned with wetland protection **RDP** - Rural Development Programmes REDD+ - Reducing Emissions from Deforestation and Degradation SFM - Sustainable forest management SUMFOREST- EU FP7 ERANET project-Tackling the challenges in sustainable and multifunctional forestry through enhanced research coordination for policy decisions UNCED - UN Conference on Environment and Development **UNFCCC** - Framework convention on Climate Change **VPA - Voluntary Partnership Agreements** WFD - Water Framework Directive

1. Introduction

This report represents a concise description and characterisation of the European Union (EU) Forest policy related framework. Its aim is to improve the understanding of the forestrelated policy framework by identifying and characterizing the EU Directives and International policies, directives and conventions affecting sustainable forest management and multifunctional forestry.

The purpose of SUMFOREST – an EU FP 7 ERANET project – is to tackle the challenges in sustainable and multifunctional forestry through enhanced research coordination for policy decisions. SUMFOREST does this through the commitment of 18 European countries in performing the following actions:

- Mapping of existing forest research programmes and capacities;
- Developing joint strategic research agenda which is policy-relevant;
- Launching a joint call for research projects;
- Carrying out activities aiming at the mutually opening of national research capacities and data.

1.1. A retrospective look at Europe's forests

In the EU, the right to formulate forest policy is retained by each EU Member State that has its own national forest laws and regulations. However, despite the absence of an explicit reference to forests and forestry in the founding treaties of the Union, efforts have been made to improve co-ordination and cooperation on forest-related issues at the EU level. In line with this ambition, an EU Forest Strategy (Resolution, 1999/C 56/01) was issued towards the end of the 1990's. The original strategy called for (aside from improved co-ordination and cooperation) a framework for actions aimed at supporting sustainable forest management (SFM) through existing EU policies. Its main contribution has however been the summary of on-going activities at EU and Member State level. The Standing Forestry Committee (dating back to 1989) as well as the inter-service group on forestry (dating back to 2002) supports the coordination and information exchange as regards to forest-related issues between Member States and the European Commission.

Even though the strategy was a step forward, an evaluation by the Commission in 2005 concluded that coherence and coordination in forest-policy making was lacking (European

Commission, 2005). This was consequently followed up by a Forest Action Plan (EU FAP) for the period 2007 - 2011 (European Commission, 2006). The strategy and action plan remained on the level of voluntary cooperation between Member States, with some coordinating actions implemented by the Commission. While this may been seen as a positive step forward, the ex-post evaluation of the EU FAP demonstrated that a coherent approach to SFM, and better ways of integrating forest issues at the EU level, is still missing (Pelli et al., 2012). In response to this evaluation and the conclusion of the strategy and action plan, a new EU Forest Strategy was published in 2013, to pave the way for a more coordinated forest policy (European Commission, 2013b).

At this stage, legal action with an impact on forests are in fact mostly taken in other policy areas, and among others include regulations on climate change, the water framework directive, the common Agricultural Policy and rural development measures, energy and nature protection. Although these actions primarily focus on areas of agricultural and trade the importance of forests has gained more attention through the Natura 2000 network and other legislations related to forest protection. Climate change, energy concerns and efforts to combat illegal logging and improving forest governance abroad are likewise focal areas of forest-related legislative acts. In areas where no harmonised policy competence is given, Member States have to respect EU Treaty law (Pülzl and Hogl, 2013). As such a number of recent policy targets have been set that will directly and indirectly affect forests in the short and long term. Among these is the ambition to halt biodiversity loss, reach 20% share of energy from renewable sources and reduce greenhouse gas emissions by 20% as compared to the levels in 1990 by 2020, increase biomass energy from wood, and ensure legal compliance for wood or forest products imported to the EU. Furthermore targets have been set to halt global forest cover loss by 2030 and to reduce gross tropical deforestation by at least 50% by 2020. More recently (in October 2014) a new 2030 climate and energy policy framework was adopted (Council, 2014). The framework aims to make the EU economy and energy system more competitive, secure and sustainable by setting targets for having at least 27% renewable energy and energy savings; reform of the EU emissions trading system (EUTS); and reduce GHG emissions by at least 40% below the 1990 level by 2030.

1.2. The pan-European and International Context

In addition to the developments at the EU-level, a pan-European forest policy process – the Ministerial Conference on the Protection of Forests in Europe (nowadays called Forest

Europe) – was launched in the beginning of the 1990s (Mayer, 2000). The objectives of Forest Europe are defined in a number of declarations and resolutions signed by the ministers in charge of forests during six ministerial conferences held between 1990 and 2011. In the implementation of forest-related aspects Forest Europe also liaises with the pan-European Biological and Landscape Diversity Strategy (PEBLDS). During the last ministerial conference in Oslo in 2011 it was agreed to launch negotiations on a Legally Binding Agreement (LBA) for forests in Europe. The negotiations for an LBA did however not reach fruition and no agreement was reached on a common treaty on forests once the mandate of the Intergovernmental Negotiating Committee ran out. It needs to be emphasised that core and substantive forest related issues were agreed. This was primarily due to significant differences between the parties regarding to the institutional and governance arrangements of the proposed convention.

Aside from the absence of a pan-European legally binding forest instrument, a number of international legally binding treaties that address forest ecosystems are in force. For example, in the 1970s and 1980s international treaties in relation to protection (e.g. RAMSAR Convention concerned with wetland protection) and trade (e.g. CITES, an international treaty to protect wildlife against over-exploitation and ITTA, an international treaty to ensure that exports of tropical timber originates from sustainably managed sources) were adopted. In the beginning of the 1990s more inclusive conventions were developed, focusing more on biological diversity, climate change and desertification (e.g. the Convention on Biological Diversity (CBD), the Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol and the Convention to Combat Desertification in those Countries experiencing serious Drought and/or Desertification). Essentially the CBD and the UNFCCC have had an influence on European decision-making as both have found an uptake in political resolutions in the Forest Europe process (Arts et al., 2013). However while the CBD followed rather a soft-law approach having little influence on national implementation (Harrop and Pritchard, 2011), the UNFCCC was followed up by the establishment of a European climate change programme and led to the conclusion of a number of legally binding EU policy instruments. The requested revision of accounting rules for the UN greenhouse gas inventory instrument better known as "Land Use, Land Use Change and Forestry" (LULUCF), led to the adoption of a decision on harmonising accounting rules for emissions and removals from soils and forests across the EU in July 2013. Member States will be asked to report on their increase removals and decrease emissions of greenhouse

gases. In addition the "Reducing Emissions from Deforestation and Degradation" (REDD+) instrument emerged in 2005 as a potential transfer mechanism of carbon credits between developed and developing countries (Visseren-Hamakers and Verkooijen, 2013)

A number of non-legally binding agreements exist too. Among those are the "Non-Legally Binding Instrument on All Types of Forests" (NLBI) setting out four Global Objectives on Forests that were agreed to at the United Nations Forum on Forests in 2007 as well as the Forest Principles and Chapter 11 of Agenda 11 agreed to at the UN Conference on Environment and Development (UNCED) in 1992. Certification schemes (e.g. the Forest Stewardship Council (FSC) and Programme for the Endorsement of Forest Certification schemes (PEFC)) have led to the formation of new NGOs who are in turn in charge of policy instruments affecting policy making at EU and Member States level. Thus, not being binding does not mean that European forest governance remains uninfluenced by these agreements, with the definition of policy goals on SFM and the formulation of principles for national forest programmes having already found approval in Europe.

2. EU Forest Related Policies - a cross sectoral review

2.1. The EU Forest Strategy

The first EU Forest Strategy and Forest Action Plan (FAP) were not legally binding documents but they provided a framework for forest action around forest issues which could be to discussed and coordinated. Later the FAP utilised existing elements and actions in the domain of forest policy, including the exchange of information, experiences and research in an effort to influence national forest policy-making. It addressed competitiveness, environment, quality of life and coordination and communication. Unfortunately, in the view of the cited author, it did not result in any greater coherency of EU forest-related policies, principally because it did not have an impact on policy-making in other sectors (Pelli et al., 2012).

As the previous forestry strategy and the FAP, both based on subsidiarity and shared responsibility between the EU and its Member States finished in 2011, a new forest strategy was issued in September 2013 (European Commission, 2013b). The new strategy responds to the new challenges facing forests and the forest sector. The strategy identifies key principles needed to strengthen SFM and improve competitiveness and job creation, in

particular in rural areas, while ensuring forest protection and delivery of ecosystem services. The strategy also specifies how the EU wishes to implement forest-related policies. It provides a new framework in response to the increasing demands put on forests and to significant societal and political changes that have affected forests over the last 15 years. It was developed by the Commission in close cooperation with Member States and stakeholders over the past two years and has been submitted and adopted by the European Parliament and Council.

The New Strategy underlines that forest linked EU policies should fully be taken into account in the national forest policies. It calls for a Forest Information System to be set up and for Europe-wide harmonized information on forests to be collected. It might again also be followed by a new forest action plan. The main development has however been to bring the new strategy in line with the "20-20-20 targets". The 2020 energy goals are predicted to have a 20% (or even 30%) reduction in CO2 emissions compared to 1990 levels. Furthermore 20% of the energy on the basis of consumption is coming from renewables and there is a 20% increase in energy efficiency. The strategy is foreseen to contribute to balancing forest functions, to allow the delivery of important ecosystem services, and to meet future demands, as well as to provide a basis for the forest-based sectors to be competitive and to contribute to the development of the European bio-based economy. Under three thematic headings and across eight priority areas these objectives are further elaborated.

To sum up the strategy attempts to present a holistic view on forests, stressing that they are not only important in terms of agriculture and rural development but also for biodiversity conservation, water, climate change adaptation and bioenergy, etc. It also highlights the impact that other sectors and policies are having on forest ecosystems and the importance of taking this into account. Nevertheless, as with the earlier strategy, the non-binding setup of the new forest strategy will most likely limit the impact this instrument may have on forests in national forest policy contexts, except where the interests of forest sector stakeholders sectors and Member States align with the objectives of the strategy.

2.2. Agricultural and Rural Development

When reviewing instruments affecting forest management at the EU level the most commonly noted is the Common Agricultural Policy (CAP). In its current state the CAP has three long-term objectives, namely, sustainable management of natural resources and

climate action; balanced territorial development; and viable food production. The most recent reform of the CAP was in December 2013 and covers the period 2014 to 2020 (e.g. European Commission, 2010a, 2013a). The reform has focused on the delivery of more effective policy instruments that will improve the competitiveness and sustainability of the agricultural sector (European Commission, 2013c).

The CAP was divided into two pillars during the Agenda 2000 reform (European Commission, 1998). Pillar 1 covered 'Market and Income Support Measures' and Pillar 2 covered 'Rural Development'. Direct EU funding for forests is non-existent because of the lack of a specific legal basis, this means that financing for forests in the EU comes mainly from the Rural Development pillar, which has the stated objective of contributing to the Europe 2020 Strategy by promoting sustainable rural development in a complementary manner to the CAP, and cohesion policy. Fostering knowledge transfer and innovation in agriculture, forestry and rural areas is one of the six priorities proposed for the Rural Development Programmes (RDPs) in the period 2014-2020.

Following the new programming period, some of the new features of the CAP 2014-2020 include the joint provision of public and private goods (e.g. payments for public ecosystem services), increased flexibility for Member States in implementing instruments available under Pillar 1 (e.g. to better reflect the wide diversity of environmental and socio-economic conditions across Europe), and trying to make the CAP more effective and coherent (e.g. reducing the red tape for small scale and young farmers), etc. One of the changes that will affect forest ecosystems in particular is the introduction of a "Greening Payment" under Pillar 1 (Regulation, 1307/2013, 1308/2013). Green Direct Payments will cover 30% of the funding available and will relate directly to the provision of environmental public goods (e.g. sustainable farming practices and climate change mitigation). Also under Pillar 2 all RDPs will be obliged to spend 30% of their budget on measures that are beneficial for the environment and climate change (and at least 5% on the LEADER approach). These measures relate directly to forestry measures, areas of natural constraints, Natura 2000, etc. (Regulation, 1306/2013, 1305/2013) and are as such expected to have an impact on forest ecosystems and the provision of services.

The new rules for Pillar 2 will allow for a more flexible approach. Measures will no longer be classified at EU level (with minimum spending requirements) with Member States being

responsible for the decision on measures they will apply in order to achieve targets set out in the six priorities for rural development. Priorities that are most relevant for forest ecosystems: Priority 2. Enhancing competitiveness of all types of agriculture and the sustainable management of forests; and Priority 4. Restoring, preserving and enhancing ecosystems.

In essence, the 2013 reform preserves many of the key features of rural development policy from 2007-2013. In particular, as in the past, the policy will be implemented through national and/or regional RDPs that run for seven years. Member States are building their RDPs based upon fostering knowledge transfer and innovation in agriculture, forestry and rural areas; enhancing the viability/competitiveness of all types of agriculture, and promoting innovative farm technologies and sustainable forest management; restoring, preserving and enhancing ecosystems related to agriculture and forestry; and promoting resource efficiency and supporting the shift toward a low-carbon and climate-resilient economy in the agriculture, food and forestry sectors. In turn, each rural development priority identifies more detailed areas of intervention ("focus areas"). Within their RDPs, Member States or regions set quantified targets against these focus areas, on the basis of an analysis of the needs of the territory covered by the RDP. They then set out which measures they will use to achieve these targets and how much funding they will allocate to each measure.

It is expected that European structural and investment funds, such as the European Agricultural Fund for Rural Development (EAFRD) and the European Regional Development Fund (ERDF), will continue to offer measures that supports forestry, with a strong emphasis on sustainable forest management, and that the EAFRD will remain the main instrument for the implementation of the new EU Forest Strategy. Also the LEADER approach, having become a promising instrument for rural development and forestry, is expected to become more relevant for the forest sector. It is however too early to make any assessments as regards to the impact this will have on forests directly, especially as Member States are still expected to develop their new RDPs (e.g. making choices for Direct Payment Schemes) for implementation in 2015 and onwards. As with the previous CAP and rural development policy (2007-2013), there is however an increasing risk that the balance between goals established at the EU level and implementation at the national level will not be in line, especially when the freedom to choose between different measures and budgets are even

more in the hands of the Member States than before. Funding may thus become increasingly dependent on Member States priorities, which constitutes a risk for how forests will be prioritised at the national level.

2.3. EU Cohesion Policy

The Structural Funds and the Cohesion Fund represent the financial instruments of EUs regional policy, which is intended to narrow the development disparities among regions and Member States. The funds participate fully, therefore, in pursuing the goals of economic, social and territorial cohesion. For the period 2007-2013, the budget allocated to regional policy was around 348 billion Euros, comprising 278 billion Euros for the Structural Funds and 70 billion Euros for the Cohesion Fund. This corresponds to 35% of the Community budget and is the second largest budget item. There are two Structural Funds. The first is the European Regional Development Fund (ERDF), which is currently the largest. Since 1975 it has provided support for the creation of infrastructure and productive job-creating investment, mainly for businesses. The second is the European Social Fund (ESF), which was set up in 1958 and contributes to the integration of the unemployed and disadvantaged sections of the population into working life, mainly by funding training measures. In order to speed up economic, social and territorial convergence, the European Union set up a Cohesion Fund in 1994. Its use is intended for countries whose per capita GDP is below 90% of the Community average. The purpose of the Cohesion Fund is to grant financing to environment and transport infrastructure projects. However, aid under the Cohesion Fund is subject to certain conditions. If the public deficit of a beneficiary Member State exceeds 3% of national GDP (EMU convergence criteria), no new project will be approved until the deficit has been brought under control.

The recently reformed cohesion policy will make available around 350 billion Euros to be invested in European regions and cities (Regulation, 1300/2013). Basically it will be one of the main investment tools by which the EU tries to reach its 2020 goals, namely, creating growth and jobs, mitigating or adapting to climate change and energy dependence as well as reducing poverty and social exclusion. This will in part be achieved through the ESF and the ERDF that had provided financial support for the implementation of the previous EU Forest Action Plan (Regulation, 1301/2013). In this sense, cross-border, transnational and interregional projects on forests and forestry represent an added value of the cohesion policy (Regulation, 1303/2013). In the previous programming period this led to several

projects, often as cross-border or interregional cooperation projects at regional and local level. One example of this is the INTERREG programme that provided funding for interregional cooperation across Europe to promote sustainable forest management and efficiency in private forestry and the use of wood and wood based products as renewable resources. The next programme, INTEREG EUROPE 2014-2020, is still under negotiation (draft finalised in December 2013) and is currently undergoing an online consultation process (European Commission, 2014b). It is expected to be operational by spring 2015.

Two new instruments have also been introduced in order to achieve the territorial cohesion objective. These are Community-Led Local Development (CLLD) and Integrated Territorial Investments (ITI). They concern all the Funds covered by the Common Strategic Framework (European Regional Development Fund, European Social Fund, European Agricultural Fund for Regional Development, European Maritime and Fisheries Fund and Cohesion Fund) that are included as an annex of the Common Provision Regulations. The Common Strategic Framework (CSF) seeks to improve coordination and secure more targeted use of European Structural and Investment Funds. It is expected to improve coordination by focusing national and regional authorities' activities on a limited set of common objectives. CLLD is a specific tool for use at sub-regional level. It is based on the LEADER experience on community-led local development put in place in the early 90s, which had been an efficient instrument in the delivery of development policies. This tool, based on a bottom-up approach, aims to strengthen synergies between both public and private local actors, matching the particular needs of the local area.

The "greening" of the new cohesion policy represents opportunities to invest in natural capital and may contribute to the achievement of "smart, sustainable and inclusive" growth by 2020. The cohesion policy therefore has implications for forest ecosystems as it is foreseen that the cohesion policy contributes to the implementation of the EU environmental legislation, such as the Water Framework Directive and Natura 2000 (European Environmental Bureau, 2012). The cohesion policy will furthermore continue to have a strong position in the promotion of economic growth, job creation and competitiveness, with the additional aim of supporting the 2020 strategy to meet Europe's growth and jobs targets. It is foreseen that the integration of climate and energy considerations may generate some opportunities in forestry, but it is currently too early to

say what the impact will be or what we can expect in terms of measures in national rural development programmes.

2.4. Environmental Policy

Environment Action Programmes have significantly shaped the development of the EU environment policy since the early 1970s and in extension also forests. The framework for the Seventh Environment Action Programme (7th EAP) was accepted by the Parliament and Council in 2013 (Decision, 1386/2013/EU) after a proposal put forward by the Commission in 2012. Representing a 10 year cycle, the Sixth Community Environment Action Programme (6th EAP) ended in July 2012, but many measures and actions launched under that programme continue to be implemented (European Commission, 2011e). The 7th EAP proposes nine priority (or thematic) objectives that draw on a number of recent initiatives in the field of environmental policy, including the Resource Efficiency Roadmap (European Commission, 2011c), the EU 2020 Biodiversity Strategy (Resolution, 2011/2307(INI)) and the Low Carbon Economy Roadmap (European Commission, 2011b). Forests and forestry are directly addressed under priority 1 – Natural Capital – in terms of forestry practices (e.g. SFM), biodiversity conservation and the forestry sector's capacity to act as a carbon sink, under priority 3 – Healthy environment for healthy people – in terms of forest fires, and under priority 9 - Tackling international challenges - as regards to the Forest Law Enforcement, Governance and Trade (FLEGT) and the impact on the global environment (e.g. deforestation). Forests may however arguably be relevant under all priorities, to illustrate, under priority 8 – Sustainable cities – wood can be covered as sustainable construction materials, or under priority 2 – Resource-efficient economy – forests can be utilised to help us transition into a low-carbon economy, etc.

There are several additional policies that are relevant for forests; foremost amongst these is the EU 2020 Biodiversity Strategy. The ambitious new strategy aims to halt the loss of biodiversity and ecosystem services in the EU by 2020. There are six main targets, and 20 actions to help Europe reach its goal. Biodiversity loss is an enormous challenge in the EU, with around one in four species currently threatened with extinction and 88% of fish stocks over-exploited or significantly depleted. The strategy is in line with two commitments made by EU leaders in March 2010. The first is the 2020 headline target: "Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up EU's contribution to averting global biodiversity

loss"; the second is the 2050 vision: "By 2050, European Union biodiversity and the ecosystem services it provides - its natural capital are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided." It is also in line with global commitments made in Nagoya in October 2010, in the context of the Convention on Biological Diversity, where world leaders adopted a package measures to address global biodiversity loss over the coming decade. Forests are directly addressed under target 3b. Member States are asked to provide forest management plans or equivalents for publicly owned forests and forest holdings that have a certain size. In addition mechanisms (such as payments for ecosystem services) to finance provision and maintenance of ecosystem services shall be supported and should include biodiversity measures. Forests and forestry are furthermore addressed directly in the European Parliament resolution on the Biodiversity strategy (with articles 73 to 78 relating exclusively to forestry), calling for a reduction in the loss of natural habitats and encouraging the adoption of forest management plans (e.g. through the CAP, rural development measures and the LIFE+ programme) to adopt SFM. It also notes the importance of forests in the protection of biodiversity, water, prevention of soil erosion and for carbon sequestration and air purification (Resolution, 2011/2307(INI)).

Interlinked with the Biodiversity Strategy is the Natura 2000 network, representing a cornerstone of the EU environmental policy. It is composed of the 'Birds Directive' which sets out the protection regime for bird species and the 'Habitats Directive' which sets out the protection regime for habitats and other species on EU level. It aims at an integrated conservation approach that combines conservation goals with traditional land uses. Currently the network comprises of around 25.000 sites that cover around 17% of the European land area. Out of this almost 30% are forests and afforested habitats and another 30% partly containing woodland elements and related species. The type of actions taken for forest ecosystems is diverse, ranging from one-off restoration actions (e.g. bringing back the forests conservation state) to more innovative ways of merging conservation with economic activities (e.g. wildlife management that includes the creation of suitable habitats within the Natura 2000 network have an unfavourable (or even bad) conservation status. Implementation therefore remains questionable. Concerns have even been raised whether Natura 2000 is an efficient tool for biodiversity conservation (Sotirov et al., 2013). Natura

2000 has nonetheless been successful in setting up a European-wide system of conservation areas to protect priority habitats and species, which can be seen as an important step towards achieving the 2020 Biodiversity Strategy.

Another important funding instrument to consider is the LIFE Programme. The new LIFE+ Regulation for the 2014-2020 period (Regulation, 1293/2013) was published on 20th December 2013 and it will contribute directly to the implementation of the 2020 Strategy and the 7th EAP. The new LIFE+ programme is subdivided into an Environment and Climate Action Programme. Forest ecosystems and forestry are highlighted as important for both sub-programmes. For example, in the environmental programme biodiversity conservation is highlighted and in the climate programme the conservation of natural carbon sinks is emphasized. As it has been issued only recently it is too early to tell what the implications will be for forests and forestry.

2.5. Energy and Climate Policy

It is hardly possible to consider current environmental actions in Europe without also considering climate policy. In fact, several policy documents on climate change have direct implications for forestry (e.g. extraction of energy biomass). Also interlinked with climate change policy is the on-going energy debate. While these two issues correspond to distinct policy fields they can also not be entirely separated from each other when considering forests. They are also bundled at the EU level through the EU climate and energy package (Council, 2008).

The climate and energy package is essentially made up of four items of legislation that are meant to help the EU reach its "20-20-20 targets" – relating to the reduction of emissions of greenhouse gases by 20% before 2020. Two of these legal documents are particularly related to and important for forests:

(1) The EU Emissions Trading System (EU ETS). The EU ETS works on the "cap and trade" principle. A cap is set on the total amount of greenhouse gases that can be emitted. Companies then receive allowances which they can buy or trade with one another (Directive, 2003/87/EC). The system allows the use of credits from projects to enhance forest sinks in third countries under the Joint Implementation/Clean Development Mechanisms established under the Kyoto Protocol. A reform of the EU ETS is currently under discussion, which may bring some changes to the carbon-trading market (European Commission, 2014c).

(2) The Renewable Energy Directive: National renewable energy targets. Under the "Renewable Energy Directive" Member States have taken on binding targets to increase the share of renewable energy in their energy consumption by 2020 (Directive, 2009/28/EC). This relates more directly to forests as it concerns the use of forest biomass for energy generation. Meeting the targets of the legislation would however require large-scale changes to current land-use patterns.

The new 2030 climate and energy policy framework builds on the 2020 climate and energy package. For example, it takes into account the Energy Roadmap 2050 (European Commission, 2011a), the Roadmap for moving to a competitive low carbon economy in 2050 (European Commission, 2011b), and the white paper on transport (European Commission, 2011d), reflecting the goal to reduce GHG emission by 80-95% below 1990 levels by 2050. The framework furthermore proposes a new governance framework based on national plans to assess progress over time; a reform of the EU ETS to address the surplus of emission allowances that has built up in recent years; and a binding target to increase the share of renewable energy and energy efficiency (following a review of the Energy Efficiency Directive) by 2030.

Bio-energy targets, in particular, will influence how forests are utilised now and in the future. The 2020 climate and energy package does not address energy efficiency targets directly, but they are introduced in the 2030 framework. This is complementary to the Energy Efficiency Plan, the Energy Efficiency Directive and Resource Efficiency Roadmap. Several policy documents and legislative instruments have been developed to expand the use of renewable energy, such as, the Directive on the Promotion of Biofuels and the Biomass Action Plan (Directive, 2003/30/EC).

Relevant for forests and forestry, with regard to preparing forests for climate change, are the Communication addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss (European Commission, 2008a) as well as the Green and White Paper on adapting to climate change in Europe (European Commission, 2007, 2009). This later have been followed up by the release of a the Green Paper on Forest Protection and Information – preparing forests for climate change, as regards to the EU's approach to forest protection and information concerning climate change. Land Use, Land Use Change and Forestry (LULUCF) represent another cornerstone of the EU's emission-reduction efforts that will affect forestry. It is part of the Roadmap for Moving to a Competitive Low Carbon Economy (European Commission, 2011b) and provides accounting rules that will help to strengthen the capacity of forests to preserve and capture CO2 (Decision, 529/2013/EU). The LULUCF accounting rules address the gap in EU's greenhouse gas inventory opening up for the prospect of preserving forests as carbon sinks in the future. However the EU climate policy currently only considered forests as carbon sinks and not emitters. Efforts towards using forests for carbon sequestration rest with the Member States. Prospects to integrate and valorise carbon sequestration under current regulations and schemes, as regards to forests and forestry, are therefore limited.

2.6. Trade and Industry Policy

Industries that are dependent on forest products (e.g. forestry, woodworking, pulp, paper and board production, converting, packaging and printing industries) and industrial policy ultimately have a significant impact on the utilisation of forests. This is emphasised at the EU level through the importance placed on forest-based industries when reviewing the EUs Growth and Jobs Strategy. Another example is the Communication on Innovative and Sustainable Forest-based Industries in the EU from 2008 that address challenges facing the forest sector (e.g. innovation, competitiveness, climate change, high energy and transport costs, etc.) (European Commission, 2008b), as well as the recently published blueprint for the EU forest-based industries. In the wake of the economic downturn and the sluggish European recovery, it is likely that industrial priorities will take precedence and continue to have a significant effect on how we utilise our forests. Another dimension of industrial policy is trade. For forests, the EU has promoted the integration of sustainable development into international trade. One example of this is the EU Action Plan for Forest Law Enforcement, Governance and Trade (the FLEGT Action Plan) that is set out to prevent the import of illegal wood into the EU. Illegal logging has a devastating effect on communities and biodiversity as well as has social, environmental and economic impact. It causes vast carbon emissions and can keep poor countries in a dangerous and damaging cycle of poverty and corruption. Despite this, illegal timber and wood-based products are unwittingly bought by consumers and companies, undermining efforts to deal with the issue by making illegal logging financially viable. FLEGTs overarching ambition is thus to improve the supply of legal timber and to increase the demand for wood coming from responsibly managed forests. The FLEGT Action Plan, and especially the Voluntary Partnership Agreements (VPA) between wood

producing countries and the EU, aims to ensure that wood being sold in the EU can prove to be legally logged. VPAs are based on national laws in each producing country, and to date all have been are endorsed by the government, civil society and companies. The law that needs to be enforced is agreed after an in-depth assessment of its relevance, and reforms to address weaknesses are made when they are deemed necessary. They ensure that wood can be traced back to its point of origin.

In connection to the FLEGT the EU Timber Regulation (EUTR) was developed, coming into force in 2013 (Regulation, 995/2010). The EUTR essentially obliges wood importers and traders (as regards to wood supply from Europe and internationally) to know the source of any wood (or forest) product that they are buying, to ensure that it is legally compliant. In 2013 the Commission released the long overdue EU Timber Regulation guidance. This non-legally binding document attempts to explain the provisions of the EUTR, "laying down the obligations of operators who place timber and timber products on the market". However, as noted in a statement by the Confederation of European Paper Industries (CEPI)¹, the guidance fails to clarify the provisions related to the terms "operator" and "placing on the market" as defined in articles 2 (b) and (c) of the EUTR. Instead it modifies the provisions set in the legally binding Regulation and places more burden on European industry, including the forest-based sector.

Together these regulations aim at preventing illegal timber entering the European market, and to impose SFM in countries supplying timber to the EU. Wood carrying a FLEGT licence or CITIES permit is considered to comply with the EUTR, which may have some impact on how forests are managed on the international level, but the true extent or even type of impact is at this stage still unclear. Finally, on-going UNFCCC negotiations on "reducing emissions from deforestation and forest degradation, conservation of forest carbon stocks, sustainable management of forests, and enhancement of forest carbon stocks" (REDD+) could become an important tool for undertaking meaningful emissions mitigation action in developing countries. If it can help to reverse global forest cover it will have positive implications for forests. REDD+ does however relate to both climate change and development policy as well.

¹ See http://www.cepi.org/#sthash.9Zxoz9Gt.dpuf.

Another aspect of the forest-based industries is their key role in the biobased economy, interlinked with EU's common effort to tackle climate change and the depletion of fossil resources. As part of this trend, the Commission issued a Bioeconomy strategy in 2012 (European Commission, 2012) that aim to promote research and innovation in the sustainable production of renewable raw materials and to process renewable raw materials into value added products (in the fields of agriculture, forestry, fisheries and aquaculture). This strategy has been followed up by the majority of EU Member States in the form of national strategies and visions for a biobased economy. Forests and forest-based industries are (and will increasingly) be important in this transition towards an integrated biobased economy. For example, the forest-based sector is one of the largest producers of renewable energy, providing heat and electricity as well as biofuels. The forest-based sector can furthermore play an important role in creating jobs and generating income in the local biobased economy. It is thus foreseen that forests will play a key role in the creation of a "smart, sustainable and inclusive" biobased economy.

2.7. Other Policy Areas

2.7.1. Competition Policy

EU competition law does not specifically make you think about the forest-based sector, but it does rather affect how all enterprises can operate within Europe. For example, to preserve well-functioning product markets, the Commission must prevent anti-competitive behaviour (e.g. agreements between companies that restrict competition). This applies as much to forests as it does to energy or telecommunications. The EU competition rules essentially includes anti-trust procedures and preventing anti-competitiveness (e.g. Regulation, 1/2003) as well as rules on mergers and acquisitions (e.g. Regulation, 139/2004). However, more specific to the forest-based sector, are the regulations on government support. This covers, for example, national regional aid, state aid for environmental protection as well as state aid for agriculture and forestry (Regulation, 702/2014). These regulations establish general criteria used by the Commission to assess the compatibility of aid in the internal market.

2.7.2. Product Policy

There are several product-related regulations that have a direct (and indirect) impact on the forest-based industries. Amongst these are the EU Ecolables for wooden floor coverings, wooden furniture, converted paper products, newsprint paper, printed paper, copying and graphic paper, tissue paper as well as bed mattresses (Regulation, 66/2010). There are also the EU Public Procurement Directives, for example, the Communication "Public procurement for a better environment" offers legal and operational guidance on how to reduce the environmental impact caused by public sector consumption (European Commission, 2008c). This will influence the "supply side" of the public sector and the specific case of wood and wood products. There is furthermore the Energy Labelling Directive that will have an impact on the production of heaters (Regulation, 811/2013), the new harmonised conditions for the marketing of sustainable construction products (Regulation, 305/2011), legislation for food contact materials (Regulation, 1935/2004), etc. It is beyond the scope of this review to include all product-related policy documents or provide an in-depth analysis, the purpose being simply to highlight some relevant areas and to convey the importance of this EU policy domain for the range of wood and wood-based products generated by the forest-based industries, ranging from packaging to energy and wood panelling, etc.

2.7.3. Employment and Growth Policy

Due to the continued economic downturn, employment and growth policies are high on the agenda in Brussels. This will obviously also have implications for the forest-based industries and its potential for growth. For example, the Commission recently adopted a Communication on industrial policy for a "European Industrial Renaissance" as a contribution to the European Council debate on industrial policy in March 2014 (European Commission, 2014a). The key message is the central importance of industry for creating jobs and growth, and of mainstreaming industry-related competitiveness concerns across all policy areas. These developments are foreseen to have implications in terms of industrial modernisation, investments in innovation, resource efficiency, new technologies, reinforcement of the Entrepreneurship Action Plan, etc. In addition to these on-going developments the Working Time Directive is currently under review (European Commission, 2010b), as are older directives, e.g. the health and safety at work (Directive, 1989).

Employment in wood-based industries is as such influenced by a range of EU policies and measures, in addition to more recent developments that may play an essential role in maintaining sustainable employment in rural areas.

2.7.4. Research and Innovation Policy

Horizon 2020, the new EU Framework Programme for Research and Innovation, is the financial instrument responsible for implementing the Innovation Union, a Europe 2020 flagship initiative aimed at securing Europe's competitiveness. It covers twelve focus areas relating to, for example, climate, energy efficiency, public health and waste, etc. All these areas will have different types of impacts or implications for forests. For instance, EU targets to reduce dependency on fossil resources will require research on bio-based products that derived from forests. The Forest-based Sector Technology Platform (FTP) has been a relevant actor in the EU framework programs, advocating for the forest based sector. In the 7th Framework Program the FTP was pivotal in influencing the allocation of research priorities with its revised Strategic Research and Innovation Agenda for 2020 being key in defining 19 Research and Innovation Areas (RIAs) aimed at unlocking the potential of the forest-based sector.

2.7.5. Plant Health and Protection Policy

The EU plant health legislation aims to protect crops, fruit, vegetables, flowers, ornamentals and forests from harmful pests and diseases (harmful organisms) by preventing their introduction into the EU or their spread within the EU. This aim helps to contribute to the protection of public and private green spaces, forests and the natural landscape. It also aims at regulating the trade of plants and plant products in accordance with international standards and obligations. Currently this body of EU legislation covers almost seventy pieces of legislation. The impact from these polices on forests is in principle only palpable if it relates to the agri-food chain. Furthermore, it is foreseen that these policies will be replaced by the Animal and Plant Health Package adopted by the Commission in 2013 (European Commission, 2013d).

2.7.6. Development and Cooperation Policy

The External Action Financing Instruments include the European Development Fund (EDF) – that is outside the EU budget – and the Development Cooperation Instrument (DCI). Together they represent the EU's Development and Cooperation Policy (e.g. agenda for change). These instruments aim at fostering sustainable economic, social and environmental development in eligible third world countries. It will only have implications for forests insofar as those projects are support in contributing to EUs development and cooperation targets.

2.7.7. The Water Framework Directive (WFD)

The WFD directive seeks to combat water pollution issues but also plays a role for forests (Directive, 2000/60/EC). It aims at reducing (or eliminating) harmful anthropogenic pressures on all EU waters, surface waters and groundwater's. It also aims at resolving policy fragmentation and ineffective implementation as regards to water protection. Its main focus is on agricultural and urban waters and in this context forests are identified as a possible pressure factor or threats (sees WFD Annex II). Member States are obliged to collect and maintain information on the type and scope of human pressures (e.g. different land uses) on surface waters in each river basin district. The likely provision of water-related ecosystem services by forests is not clearly recognized in the WFD and the complex interplay between water protection management and forestry is neglected. With forestry considered a risk in reaching a good ecological water status (especially for local water bodies), potential benefits of forests in achieving a good ecological status are not recognized, but the potential role of forests in delivering good ecological status is recognised in other supplementary documents*.

*Bellow this section you can find an informative EU forest-related policies table, with listed legally binding and non-legally binding legislations (Table 1.).

POLICY AREA	LEGALLY BINDING	NON-LEGALLY BINDING
The EU Forest Strategy		 EU Forest Strategy (Res.,1999/C56/01) EU Forest Action Plan COM(2006) 302 final Forest strategy 2013 COM(2013) 659 final
Agricultural and Rural Development	 Direct payments to farmers (Reg. 1307/2013) Organisation of the markets in agricultural products (Reg. 1308/2013) Forestry measures and Natura 2000 (Reg., 1306/2013, 1305/2013) 	 The CAP towards 2020. COM(2010) 672 Meeting the food, natural resources and territorial challenges of the future COM(2010) 672 Agenda 2000. COM(1998) 182
EU Cohesion Policy	 Cohesion Fund and repealing Council Regulation (Reg., 1300/2013) Investment for growth and jobs goal and repealing (Reg., 1301/2013) Common provisions European Regional Development Fund (Reg., 1303/2013) 	
Environmental Policy	 Seventh Environment Action Programme (Decision, 1386/2013/EU) Birds Directive' Council Directive 79/409/EEC Habitats Directive (Reg., 1293/2013) LIFE+ (Reg., 1293/2013) 	 Final assessment of 6th EAP COM(2011) 144 Parliament resolution on the Biodiversity Strategy (Res., 2011/2307(INI) Competitive low carbon economy in 2050. COM(2011) 112 final
Energy and Climate Policy	 EU Emissions Trading System Directive, 2003/87/EC Renewable Energy Directive, 2009/28/EC Promotion of Biofuels and the Biomass Action Plan Directive, 2003/30/EC Greenhouse gas emissions, Decision 529/2013/EU 	 Energy and climate change Elements of the final compromise (Concl. 17215/08) Green and White Paper on adapting to climate change in Europe COM(2007) 354 final Energy Roadmap 2050 COM(2011) 885, COM(2011) 112,
Trade and Industry Policy	 EUTR (Reg. (EU) 995/2010 Innovating for Sustainable Growth COM(2012) 	 Communication on Innovative and Sustainable Forest-based Industries in the EU (EC, 2008b)
Other Policy Areas		
Competition Policy	 Implementation of the rules on competition (e.g. Regulation, 1/2003) Control of concentrations between undertakings (Reg., 139/2004 Declaring certain categories of aid in the agricultural and forestry sectors (Regulation, 702/2014) 	
Product Policy	 Energy labelling (Regulation, 811/2013) EU Ecolabel (Reg., 66/2010) Conditions for the marketing of construction products and repealing (Reg., 305/2011) Materials and articles intended to come into contact with food and repealing (Reg., 1935/2004) 	
Employment and Growth Policy		 European Council debate on industrial policy COM (2014) 14 Working Time Directive is currently under review COM (2010) 801 final. 89/391/EEC.
Research and Innovation Policy Plant Health and	• Horizon 2020 (Regulation No. 1291/2013).	European Research Area COM/2012/392 Animal and Plant Health Package COM (2012)
Protection Policy		Animal and Plant Health Package COM (2013) 262 final
Development and Cooperation Policy	• Financing instrument for development cooperation (Regulation No 1905/2006)	 Reducing emissions from deforestation and forest degradation, conservation of forest carbon stocks, sustainable management of forests (REDD+) (Council Conclusions 6810/12)
Water Policy	 Water Framework Directive (Directive, 2000/60/EC) 	

Table 4. FULL states a latest		1		1. *
Table 1. EU forest-related p	policies: Legaliy	/ binding and no	n-legally	binding legislations

3. Discussion

This report describes and characterises the European forest-related policy framework. It is based on the analysis of the existing literature and policy documents at EU level, including main international policy processes affecting EU forest sector. From the present cross-sectoral review it is clear that different policy domains have an impact on forests and forestry. They correspond to a complex web of legal and non-legal instruments that influence forests in the European Union (and beyond), especially as there is no direct competence for forests at the EU level. For this reason, EU forest strategies and action plans directly affecting forests and forestry in the EU are voluntary and implementation essentially depends on the good will of its Member States. It is only for legally binding instruments that the Commission follows up on implementation rigorously and, when necessary, starts infringement procedures, such as in the case of the Natura 2000 implementation.

Despite this policy vacuum, a rising number of legislative acts that directly and indirectly affect forest have in the last decade influenced forest management, with the demand on considering how forests should be managed in the present and future rapidly increasing.

What constitutes an EU forest policy continues to be a domain fragmented and torn between different sectoral interests whenever new targets evolve (Vogelpohl and Aggestam, 2011, Aggestam and Weiss, 2011). As there is furthermore very little coordination the varying interests create a challenging situation of compliance as the implementation of diverse policy instruments leads to incoherence when some policy goals are conflicting (e.g. biodiversity conservation versus biomass extraction for energy). Additionally the EU Forest Strategy has moved closer to more general EU policies. This is easily demonstrated through, the introduction of general EU targets. For instance, the "20-20-20 targets" related to climate change and energy, i.e. greenhouse gas emissions 20% lower or even 30%, if the conditions are right lower than in 1990; 20% of energy from renewable sources and a 20% increase in energy efficiency by 2020, have been taken up. These developments do not per se present a problem, but as a stronger institutionalised forest policy is clearly missing in the EU, forests risk becoming a makeshift to fill upcoming voids. Trade-offs between various forest uses do already exist (Wolfslehner et al., 2013), but the definition of shared EU goals across the forest-based sectors has not started. The establishment of common EU objectives is consequently essential for existing and future forests as 'multi-budgeting' of the same forest resources has its limits, making goal compatibility important (Pülzl et al., 2013).

As indicated in the introduction, EU forest policy-making is significantly interlinked with activities at pan-European level. The EU and its Member States are members of the Forest Europe process and were in this capacity active in the negotiations for a LBA on forests. Even if the negotiations on an LBA have recently failed to yield in results, members of the Forest Europe process still aim at developing policies on how to further protect and sustainably manage forest ecosystems. Moreover, a small number of forest-related legally binding instruments have been agreed and ratified, among them the Bern Convention on the Conservation of European Wildlife and Natural Habitats which in its appendix includes some forest species to be protected (Wildburger, 2009). The European Landscape Convention relates in parts to forests, but does not provide a coherent approach to SFM. Sub-regional conventions, such as the Alpine and the Carpathian Conventions, are binding for a limited number of EU Member States and both have adopted protocols on forests. The protection component of forest ecosystems seems well developed, while a comprehensive legal action for forests in Europe is still missing. A potential alternative to the Forest Europe process is that more regional treaties issue forest protocols (like the Alpine convention and Carpathian convention) that have an impact on forests. Northern and Mediterranean regions might follow this regional approach and develop their own treaties and protocols that may furthermore be more specific to the needs of the regions in question. While this may better reflect regional difference and peculiarities it does also risk to further increase incoherence between instruments across Europe.

On a global level, the situation for forests is equally uncertain. At the moment, the international community is in an assessment period as regards the non-legally binding international agreement on forests (Blaser et al, 2014). In May 2015 it will be decided whether the United Nations Forest Forum (UNFF) will continue. If the UNFF ceases to exist as a global platform for forest policy dialogue, this may have serious implications. The risk is that forest-relevant discussions will only be held in connection with existing conventions (e.g. UNFCCC and CBD) or linked to other policy topics (e.g. water, energy and trade). Effectively this would mean that "forests" would lose momentum as a political topic, which could in turn have long-term implications for policy-making. Although it has been argued that the current uptake of international forest policy initiatives in the EU as well as through the Forest Europe process shall not be overemphasised (e.g. Arts et al., 2013), it is important for the forest sector to take part in the activities that will shape the forests of the future as well as be part of a global platform on forests.

To sum up, the contradictory policy objectives, having dynamic importance for forests, and with no set priorities, affect how forests are (and will be) managed. At the European level Forest policy is defined by different policy areas that generating fragmentation, lack cohesion and coordination and, are regulated by measures which are at the EU level for the most part voluntary. One of the most significant challenges to resolve this situation relates to the lack of political interest or willingness (e.g. to push for a legally binding agreement) both at the EU and Pan-European level. Many Member States are not interested in dealing with the challenges facing forests and forestry at the EU level. It is in fact a sector that is often considered to be less important, and hence there is no genuine driver to change the situation. This is substantiated by the breakdown of negotiations for an LBA, even though this involved many more parties other than just EU Member States. Another example of this neglect is the near complete absence of forests in the Water Framework Directive - forests are in fact only noted once as a possible pressure point in an Annex to the Directive. Forests should play a central role in water protection measures but are instead only identified as a potential threat. So despite the ever-increasing list of demands being placed on forest resources we do not see a major shift in governance arrangements or in how forest issues are being coordinated. Perhaps national and EU level efforts to push for a biobased economy can become an important driver for the forest based sector to renew as well as to re-establish the sectors importance for the general economy (Hetemäki, 2014). Nonetheless, the absence of a more consistent regulatory framework for forests at the EU level means that each Member States is likely to follow its own path as they wish with their forests (Pelli et al., 2012, Vogelpohl and Aggestam, 2011, Winkel et al., 2013). The new EU Forest Strategy is clearly not strong enough to change this situation, even though it may contribute to some improved coordination between Member States (as the previous Strategy and Action Plan).

The key to managing forest in the future therefore lies in finding shared goals. This will only be possible if a more holistic view on forests is taken. A balanced approach that accommodates all interests (and takes into account the necessity of trade-offs), needs to be identified, not only in terms of the forest policy, outline and role, but also in our common vision for forest utilization and appearance in the future.

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